

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claims 1-20 are currently pending. Claims 9, 18, and 19 have been cancelled. Claims 1, 5- 8, 17 and 20 have been amended. No new matter has been added. No new claims have been added. Reconsideration is respectfully requested.

Applicant would first like to thank Examiner Adams for the courtesies extended during the Interview conducted on June 1, 2005. During the course of this Interview, the pending claims were discussed as they relate to the prior art of record. After discussing the claims in substantial detail, it was agreed Applicant would amend the claims so as to further define the invention. With this in mind, claims 9, 18, and 19 have been cancelled and claims 1, 5- 8, 17 and 20 have been accordingly amended and are now believed to overcome the prior art of record.

With regard to the objections due to informalities, claims 5 and 9 stand rejected. These objections are respectfully believed to be overcome based upon the preceding amendment to claim 5 and cancellation of claim 9.

With regard to the rejections based upon prior art, claims 1 and 6-16 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,598,489 to Bayer et al. ("Bayer"). This rejection is respectfully believed to be overcome based upon the preceding amendments and the remarks which follow.

As amended, claim 1 now defines a cart for moving irregularly shaped articles. The cart includes a base, first and second upwardly extending arms connected to the base, and a lift

mechanism positioned between the first and second upwardly extending arms. The lift mechanism includes a first support bar mounted adjacent the distal end of the first and second upwardly extending arms for selective movement along the first and second upwardly extending arms. The lift mechanism also includes a second support bar positioned above the first support bar. The second support bar includes a first end and a second end, the first and second ends of the second support bar being fixedly secured to the first and second upwardly extending arms, respectively. A crank extends between the second support bar and the first support bar. The crank arm permits controlled movement of the first support bar along the length of the first and second upwardly extending arms.

In contrast to the claimed invention, Bayer discloses a hand truck and lift comprising a pair of spaced parallel bars, wheels supporting one end thereof, a fixed lift plate, and a second moveable lift plate. The moveable lift plate is positioned using a lift mechanism including the second moveable lift plate, a worm screw actuated by two gears, and a crank to control movement of the second moveable plate. The hand truck is limited in that the lift mechanism is not secured by a fixed support bar from which a crank extends. Stability provided by a support bar is highly desirable as it adds strength to the hand truck and lift in carrying a heavy load.

The present invention overcomes these shortcomings by providing a cart including a selectively moveable first support bar and a fixed second support bar from which the crank can extend. In fact, the second support bar is fixed at its first end to the first upwardly extending arm and at the second end to the second upwardly extending arm. This provides a stable structure from which the crack arm may extend toward the moveable first support bar. With this in mind, it is Applicant's opinion the claimed invention overcomes the prior art of record.

Claim 1 is now believed to overcome Bayer and Applicant respectfully requests that the rejection be withdrawn. With regard to those claims dependent upon independent claim 1, they are believed to overcome the prior art of record for the reasons presented above with regard to claim 1.

With further regard to amended claim 6, the claimed cart includes a rearwardly curved U-shaped member. Bayer does not disclose use of a U-shaped member curved rearwardly from a first plane in which the first and second upwardly extending arms lie. Bayer also does not suggest use of such a rearwardly curved U-shaped member. Bayer discloses an inverted U-shaped handle slidably mounted in the upper ends to the side bars. This design is not rearwardly curved. Still further, claim 6 now depends on claim 4 and, as such, includes a pair of rear wheels and a pair of front wheels. Bayer does not disclose a pair of front wheels in association with a pair of rear wheels. Therefore, and in addition to those arguments set forth above, claim 6 differs even further from Bayer's disclosure.

With further regard to amended claim 7, the claimed cart includes a forward end of the U-shaped member aligned with the first plane formed between the first and second upwardly extending arms. The cart further includes a rearward end of the of the U-shaped member aligned with a rearward edge of the pair of rear wheels forming a second plane substantially parallel to the first plane. This configuration permits inversion of the cart to a resting position on the pair of rear wheels and rearward end of the U-shaped member wherein the second plane is parallel to the support surface and substantially parallel to the first plane. Bayer does not disclose substantially parallel support planes allowing for inversion of the hand truck nor does Bayer suggest such a design. Therefore, claim 7 differs even further from Bayer's disclosure in addition to those arguments set forth above.

With further regard to amended claim 8, the claimed support bar includes first and second coupling members for selectively coupling the first support bar to the article. The claimed first and second coupling members extending substantially perpendicularly from a first plane formed between the first and second upwardly extending arms. Bayer does not disclose use of first and second coupling members extending substantially perpendicular to a first plane. Bayer discloses a single lift plate perpendicular to the side bars with lugs extending parallel to the side bars on the bottom face thereof. This design does not include two coupling members substantially perpendicular to the side bars. Therefore, claim 8 differs even further from Bayer's disclosure in addition to those arguments set forth above.

Claim 9 has been cancelled as the subject matter is now included in claim 8.

With regard to the rejection under 35 U.S.C. § 103, claims 2-5 and 17-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bayer as applied to claim 1, and further in view of U.S. Patent No. 3,388,820 to Lebre ("Lebre"). This rejection is respectfully traversed in view of the preceding amendments, those arguments set forth above, and the remarks which follow.

As amended, claims 2 and 3 now broadly define the cart of claim 1 outlined above wherein the base is substantially C-shaped. Claims 4-5 and 19-20 broadly define the cart of claim 1 wherein the cart includes a pair of rear wheels and a pair of front wheels. Claims 19-20 further include lateral frame members. These claims are believed to overcome the prior art for the reasons presented above with regard to claim 1 and Applicant respectfully requests that the rejections relating thereto be withdrawn.

As amended, claim 17 now broadly defines the cart of claim 1 outlined above wherein the base includes two lateral frame members each including a forward arm and a rear support plate, a set screw, a storage groove, a use groove, wheels along a rearward end, and wheels along a forward end. These claims are distinguished from the prior art of record for the same reasons listed above with respect to claim 1. Further, neither Bayer or Lebre suggest or provide motivation for lateral frame members each including a forward arm and a rear support plate, a set screw, a storage groove, a use groove, wheels along a rearward end, and wheels along a forward end. These references also do not disclose or suggest the use of set screws providing a pivot point permitting rotation of the forward arm into the storage groove or use groove. Therefore, claim 17 differs even further from Bayer's and Lebre's disclosure in addition to those arguments set forth above.

Claims 18 and 19 have been cancelled as the subject matter is now included in claim 17. Claim 20 has been amended to depend on claim 17 due to this change.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. N. Flaxman', with a long horizontal line extending to the right.

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